

REMARKS/ARGUMENTS

The Applicant has carefully considered this Application in connection with the Examiner's Action and respectfully requests reconsideration of this Application in view of the foregoing amendment and the following remarks.

The Applicant originally submitted Claims 1- 25 in the Application. On August 14, 2006, the Applicant elected, without traverse, Group I of the claims, which corresponds to Claims 1-13 and 25 of the present Application. The Applicant wishes to clarify an ambiguity of the Election of Claims of August 14, 2006. In this Election, Claim 25 was indicated by the Applicant to be both "Canceled" and "Elected Without Traverse." The Applicant hereby states that Claim 25 should not be deemed cancelled, and instead should be deemed part of the elected Group I of claims. The Applicant apologizes for any inconvenience caused.

The Examiner has indicated that Claims 1-7 and 25 are allowable. The Applicant sincerely thanks the Examiner.

The Applicant has amended Claim 8, and has canceled Claim 13 without prejudice or disclaimer. Accordingly, Claims 1-12 and 25 are currently pending in the Application. As the amendment incorporates previously submitted dependent Claim 13 into Claim 8, no new search should be necessary.

I. Rejection of Claims 8, 11 and 12 under 35 U.S.C. §102

The Examiner has rejected Claims 8, 11 and 12 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. US 6,977,970 to Shim *et al.* ("Shim"). As the Examiner is no doubt

aware, anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference; the disclosed elements must either be disclosed expressly or inherently and must be arranged as in the rejected claims.

Amended independent Claim 8 is directed to a method for reading data bits from a hard disk drive comprising a magnetic storage disk, wherein magnetized regions of the magnetic storage disk represent the data bits. The method comprises producing a plurality of signals representative of the magnetization of a selected magnetized region of the magnetic storage disk *by a plurality of read heads moving serially relative to the magnetic storage disk*. The method further comprises averaging the plurality of signals to determine the data bit value represented by the selected magnetized region. (Emphasis added).

Shim is generally directed to a data reproducing apparatus and method for improving data detection performance by adjusting decision levels used in a data detector. The data reproducing apparatus includes an equalizer which equalizes an input digital signal, a data detector which detects data from the output of the equalizer based on decision levels, and a level decision unit which detects levels corresponding to the decision levels used in the data detector from the output of the equalizer. The level decision unit feeds back corrected decision levels, which adaptively vary with the output level of the equalizer, to the data detector. (Abstract).

The Examiner has not cited Shim as anticipating dependent Claim 13, which is now substantially incorporated into amended Claim 8, for a disclosure or a teaching of "producing a plurality of signals representative of the magnetization of a selected magnetized region of the magnetic storage disk *by a plurality of read heads moving relative to the magnetic storage disk*".

Applicants agree that Shim does not disclose or suggest this claim language. Therefore, Shim also further does not disclose or suggest producing a plurality of signals representative of the magnetization of a selected magnetized region of the magnetic storage disk by a plurality of read heads moving relative *serially* to the magnetic storage disk”.

Therefore, Shim does not disclose each and every element of the claimed invention and as such, is not an anticipating reference. Because Claims 11-12 are dependent upon Claim 8, Shim also cannot be an anticipating reference for Claims 11-12. Accordingly, the Applicant respectfully requests the Examiner to withdraw the 35 U.S.C §102(e) rejection with respect to these Claims.

II. Rejection of Claims 9, 10 and 13 under 35 U.S.C. §103

The Examiner has rejected Claims 9 and 10 under 35 U.S.C. §103(a) as being unpatentable over Shim in view of U.S. Patent No. 5,805,619 to *Gardner et al.* (“Gardner”). The Examiner has rejected Claim 13 under 35 U.S.C. §103(a) as being unpatentable over Shim in view of U.S. Patent No. 6,628,465 to Yong (“Yong”).

As the Examiner is no doubt aware, determination of obviousness requires consideration of the invention considered as a whole; the inquiry is not whether each element exists in the prior art, but whether the prior art made obvious the invention as a whole. Furthermore, there must be some suggestion or teaching in the art that would motivate one of ordinary skill in the art to arrive at the claimed invention; a reference that teaches away from a claimed invention strongly indicates non-obviousness.

Yong is generally directed to an apparatus for detecting defects in a magnetic disk including a read head having multiple read elements for reading multiple tracks of the disk. (Abstract).

Regarding the original dependent Claim 13, the Examiner states that:

"Shim, et al does not explicitly teach wherein having a plurality of signals from a plurality of heads. This limitation is taught by Yong in Fig. 2."

Although Fig. 2 appears to the Applicant to only disclose a single certify head, Fig. 1B of Yong does disclose a plurality of certify heads 102, 140. In Yong, "During simultaneously reading the test signals by read elements 202-208 [of read head 102], the readback signals from all read elements are analyzed according to the threshold value set in each of certifier circuit portions 300-306..." (Column 8, lines 5-8). In Yong, "... when both of certify heads 102 and 140 are provided, defect detection can be *simultaneously* conducted by both certify heads to increase the speed of detection." (Column 5, lines 38-41; emphasis added).

Assuming, *arguendo*, that the "certify heads 102, 140" of Fig. 1B correlate to the "plurality of read heads" of the invention of amended Claim 8, the certify heads 102, 140 of Yong do not produce a plurality of signals representative of the magnetization of a selected magnetized region of the magnetic storage disk by a plurality of read heads moving *serially* relative to the magnetic storage disk. Instead, they are *simultaneous* (i.e., *non-serial*) certify heads.

Nor does Gardner compensate for the deficiencies of Shim or Yong. Gardner is generally directed to sampling a partial response input signal including a signal sampler for generating a sampled digital signal representation of a sampled analog signal in response to a sample-time control

signal. (Abstract). However, the Examiner has not cited Gardner as anticipating dependent Claim 13, which is now substantially incorporated into amended Claim 8, for a disclosure or a teaching of "producing a plurality of signals representative of the magnetization of a selected magnetized region of the magnetic storage disk *by a plurality of read heads moving serially relative to the magnetic storage disk*".

Shim, individually or in combination with Gardner or Yong, fails to teach or suggest the invention recited in independent Claim 8 and their dependent claims, when considered as a whole. Claims 8-12 are therefore not obvious in view of Shim and Gardner or Yong.

In view of the foregoing remarks, the cited references do not support the Examiner's rejection of Claims 8-12 under 35 U.S.C. §103(a). The Applicant therefore respectfully requests the Examiner withdraw the rejection.

III. Conclusion

In view of the foregoing amendment and remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 8-12.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, PC

A handwritten signature in black ink, appearing to read 'D. Hiitt', is written over the printed name 'David H. Hiitt'.

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